

Notice of Allowability

Application No.

10/028,129

Examiner

Pamela R. Schwartz

Applicant(s)

LANDRY-COLTRAIN ET AL.

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response of 9/19/07 and the interview of 9/26/07.
2. ☒ The allowed claim(s) is/are 1,2,6-9,11-14,18,25,29-34,36,37,40,42 and 46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 8/14/07 & 9/26/07 & 1/26/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/26/07.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other 1449 s: 11/19/03, 11/14/03, 1/26/04.

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Konkol on 9/26/07.

The application has been amended as follows:

In claim 1, on line 5, "at least 68% of" has been canceled; on line 6, --mean-- has been added before "diameter";

In claim 2, on line 2, "polyester" has been changed to --crosslinked polyester-containing--;

In claim 8, on line 1, the "s" has been deleted from the word "claims";

In claims 13 and 14, renumbered for issue as claims 4 and 5 respectively, on line 2, "polyester" has been changed to --crosslinked polyester-containing--;

In claim 25, renumbered for issue as claim 12, on line 2, --polymeric-- has been added before "binder" and "polymer" has been canceled;

In claim 32, renumbered for issue as claim 16, on line 2, --number average-- has been added before "molecular";

In claim 36, renumbered for issue as claim 20, on line 1, "35" has been changed to --1--;

In claim 37, renumbered for issue as claim 21, on line 1, "35" has been changed to --36--;

In claim 46, renumbered for issue as claim 23, on line 5, "at least 68% of" has been canceled; on line 6, --mean-- has been added before "diameter";

In the specification, on page 1, line 7, the underlining has been replaced with -- 10/027701, now USPN 6,780,942" and "(Docket 82842)" has been deleted.

In the specification, on page 1, line 9, the underlining has been replaced with -- 10/028130" and "(Docket 82966)" has been deleted.

In the specification, on page 4, line 2, the underlining has been replaced with -- 10/027701, now USPN 6,780,942" and "(Docket 82842)" has been deleted.

In the specification, at page 25, lines 7 and 8, page 26, lines 13, 14, 23 and 25, page 27, lines 10 and 11, page 29, lines 28 and 30, page 30, lines 19 and 20, and page 31, line 7 (two occurrences), the brackets have been deleted.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela Schwartz whose telephone number is (571) 272-1528.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano, can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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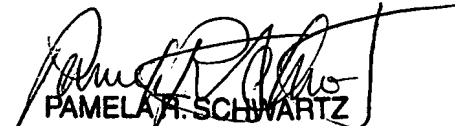
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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

PRSchwartz

September 26, 2007



PAMELA R. SCHWARTZ
PRIMARY EXAMINER